

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEXAR MEDIA, INC.,
Plaintiff,

v.

PRETEC ELECTRONICS CORP ET AL,
Defendant.

No. C00-04770 MJJ

**ORDER GRANTING IN PART AND
DENYING IN PART C-ONE
TECHNOLOGY CORPORATION'S AND
PRETEC ELECTRONIC
CORPORATION'S MOTION TO
RECONSIDER**

Before the Court is the Motion of Defendant C-One Technology Corporation ("C-One") To Reconsider Order Granting Motion To Withdraw As Counsel ("Motion To Reconsider"). (Docket No. 332). Defendant Pretec Electronics Corporation ("Pretec") has joined in the Motion. (Docket No. 333).

BACKGROUND

A Motion To Withdraw As Counsel (Docket No. 319) was filed by Mount & Stoekler, P.C. on May 19, 2006, and set for hearing on July 25, 2006. In that motion, Mount & Stoekler sought to withdraw as counsel of record for Defendants C-One, Pretec, and PNY Technologies, Inc. ("PNY"). On May 30, 2006, the Court issued an Order granting the Motion To Withdraw As Counsel and requiring Pretec, PNY and C-One to assign replacement counsel within 30 days. (Docket No. 325). PNY has since retained Mount & Stoekler to again represent it in this action. (Docket No. 337.) However, C-One and Pretec have not retained new counsel to represent them in this action. Plaintiff has requested that the Court issue an order to show cause as to why entry of default should not be entered against C-One and Pretec. (Docket No. 348.)

DISCUSSION

In their Motion To Reconsider, C-One and Pretec have accurately brought to this Court's attention that the Court granted the Motion To Withdraw As Counsel before opposition briefs were

1 due, and before providing an opportunity for C-One or Pretec to be heard. At the time that C-One
 2 and Pretec filed their Motion to Reconsider in June 2006, shortly before this matter was stayed for
 3 several months, they requested that the Court either vacate its order permitting Mount & Stoekler to
 4 withdraw as their counsel, or to postpone relevant case deadlines and allow them 60 days to retain
 5 new counsel. However, the Court notes that almost ten months later, with the stay having been lifted
 6 for approximately five months, C-One and Pretec have still not retained counsel to represent them in
 7 this matter.

8 Accordingly, this Court **GRANTS IN PART AND DENIES IN PART** the Motion To
 9 Reconsider as follows: C-One and Pretec shall have ten (10) days from the date of this order to file a
 10 response which: (1) addresses the merits of the Motion To Withdraw As Counsel, to the extent that
 11 C-One and or Pretec continue to oppose that motion, and/or (2) clarifies for the Court whether and
 12 on what timeline C-One and Pretec intend to retain new counsel to represent them in this action.
 13 Any reply, if any, by Mount & Stoekler and/or other parties in this action shall be filed within three
 14 (3) days of C-One's and Pretec's response. Based on these submissions, the Court will then make a
 15 determination as to whether the May 30, 2006 Order permitting Mount & Stoekler P.C. to withdraw
 16 as counsel for C-One and Pretec should be vacated, and whether an order to show cause regarding
 17 the entry of default against C-One and Pretec should be issued.

18 The Clerk of the Court is **DIRECTED** to serve this Order by fax, mail, and email upon C-
 19 One and Pretec at the following locations provided in connection with their Motion To Reconsider:

20 C-One Technology Corporation
 21 Attn: Gordon Yu, President
 22 Gordony@c1tech.com.tw
 23 B1, No. 57, Dong Guang Road
 24 Hsin-Chu City, Taiwan
 25 R.O.C.


Pretec Electronics Corporation
 Attn: Grace Yu, Finance Director
 Grace.Y@pretec.com
 46791 Fremont Blvd.
 Fremont, CA 94538

Telephone: 011-886-3-572-3438
 Facsimile: 011-886-3-572-4806

Telephone: 510-440-0535
 no fax provided.

26 **IT IS SO ORDERED.**

27 Dated: 4/16/2007

28 
 MARTIN J. JENKINS
 UNITED STATES DISTRICT JUDGE